

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BOARHEAD FARM AGREEMENT GROUP,	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	NO. 02-3830
	:	
ADVANCED ENVIRONMENTAL TECHNOLOGY CORPORATION,	:	
ET. AL.	:	
	:	
Defendants.	:	

MOTION FOR ORDER OF DISMISSAL WITH PREJUDICE

Plaintiff Boarhead Farm Agreement Group (the “Agreement Group”) and Defendants Unisys Corporation, Plymouth Tube Company, Crown Metro, Inc., Emhart Industries, Inc., Novartis Corporation, Quikline Design and Manufacturing Co., Rohm and Haas Company, and Simon Wrecking Co., Inc. (“Settling Defendants”), by their counsel, hereby move for the entry of an Order dismissing with prejudice and barring claims against Settling Defendants. In support of this motion, the Agreement Group and Settling Defendants aver as follows:

1. On June 18, 2002, the Agreement Group filed a Complaint¹ against Defendants alleging that they were liable under the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. § 9613 (“CERCLA”) and the Pennsylvania Hazardous Sites Cleanup Act, 35 Pa. Cons. Stat. § 6020.101 *et seq.* (“HSCA”), and seeking

¹ Three Amended Complaints were filed after this date as follows: Amended Complaint, filed August 26, 2002; Second Amended Complaint filed February 21, 2003; and Third Amended Complaint filed September 8, 2003.

contribution and declaratory relief in connection with the Boarhead Farms Superfund Site (the "Site").

2. Following settlement negotiations, each of the Settling Defendants entered into an agreement with the Agreement Group to settle the Agreement Group's claims against it in the within action.

3. On June 30, 2004, this Court entered a Memorandum Order setting forth certain rulings concerning the dismissal of Defendants who enter into settlements with the Agreement Group.

4. The proposed Order of Dismissal with Prejudice submitted herewith reflects the Court's holdings in the June 30, 2004 Memorandum Order.

WHEREFORE, Plaintiff Boarhead Farm Agreement Group and Settling Defendants respectfully request that the Court enter the proposed Order.

Dated: July 20, 2004

Glenn A. Harris /s/

Glenn A. Harris, Esquire
BALLARD SPAHR ANDREWS & INGERSOLL, LLP
A Pennsylvania Limited Liability Partnership
Plaza 1000, Suite 500, Main Street
Voorhees, New Jersey 08043
(856) 761-3400

Attorney for Plaintiff Boarhead Farm Agreement Group